

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ROBERT JAMES GRANT, #10115-032

PETITIONER

versus

CIVIL ACTION NO. 5:09cv149-DCB-MTP

BRUCE PEARSON, Warden

RESPONDENT

ORDER

THIS MATTER is before the court on the Motion for Certified Copies [15] filed by Petitioner. Having considered the submissions of the parties and the applicable law, the court finds that the motion should be denied at this time.

Petitioner Robert James Grant filed his *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on or about September 8, 2009, asserting the following ground: pursuant to *Begay v. United States*, 553 U.S. 137 (2008), he is actually innocent of the career offender designation. Respondent filed his Response [14] to the petition on December 28, 2009, and Petitioner filed his Traverse [16] on January 6, 2010.

Petitioner filed the instant Motion for Certified Copies [15] on January 6, 2010. In his motion, Petitioner requests certified copies of his indictment, plea transcript, and judgment pursuant to 28 U.S.C. § 2249. In opposition [17] to the motion, Respondent claims that he is not required to produce the requested documents because they are not material to the questions raised in the petition, claiming Petitioner's petition should be dismissed for lack of jurisdiction for the reasons set forth in his Response [14].

Section 2249 provides as follows:

On application for a writ of habeas corpus to inquire into the detention of any person pursuant to a judgment of a court of the United States, the respondent shall promptly file with the court certified copies of the indictment, plea of petitioner and the judgment, or such of them as may be material to the questions raised, if

the petitioner fails to attach them to his petition, and same shall be attached to the return to the writ, or to the answer to the order to show cause.

28 U.S.C. §2249. Petitioner does not explain how these documents are material to the issues raised in his petition; rather, he just complains that Respondent did not attach the documents to his Response [14]. At this time, the court does not find that certified copies of the requested documents are necessary. Accordingly,

IT IS, THEREFORE, ORDERED:

That Petitioner's Motion for Certified Copies [15] is denied at this time.

SO ORDERED on the 22nd day of January, 2010.

s/ Michael T. Parker

United States Magistrate Judge